

REMARKS

Original claims 1-14 are being cancelled and narrower, more specific claims 27-31 are being substituted therefore. Since the new claims are directed to the same subject matter as the original claims 1-14 that were examined, the following discussion demonstrates that the rejections of claims 1-14 are not properly made against the new claims 27-31.

Claim Rejections Under 35 U.S.C. §112

The rejection of claims 1-14 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded to be the invention, is not believed to apply to the new claims 27-31.

The new claims do not use the phrase “programmable in units of an integer number of a plurality of pages” that has been objected to. The phrase “units of user data” is used in the new claims, however. A physical memory page is defined in the preamble of claim 27 to store “at least one unit of user data” and, in the third paragraph, a number of units of data are stored in the memory block in excess of the number of units normally stored in a block. This is accomplished by using the capacity provided for storing overhead data to store user data instead. This submitted to be a clear statement of the subject matter regarded to be the invention.

Further, the term objected term “sector” does not appear in the new claims 27-31.

Claim Rejections Under 35 U.S.C. §102

The rejection of claim 1 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,434,658 B1 to Fukuzumi (“Fukuzumi”) is not believed to apply to new claim 27. No suggestion of storing user data in memory capacity provided for overhead data is noted in Fukuzumi, let alone the storage of individual units of data across physical boundaries of the memory. Further, nothing has been seen in Fukuzumi to suggest, in combination, storing overhead data associated with the user data in a different block than the user data.

The rejection of claims 7-11 and 13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,603,001 to Sukegawa et al. (“Sukegawa”) is also submitted not to apply to the new claims. Sukegawa does not, for example, suggest storing user data in memory space provided in a

block for overhead data and then, in combination, storing the overhead data for the user data in a separate block.

The rejection of claims 7-11 under 35 U.S.C. §102(a) as being anticipated by International Patent Application No. WO 00/49488 to Sinclair et al. ("Sinclair") is also submitted to not anticipate the new claims 27-31. The operation of Sinclair referenced in the Office Action does not suggest writing user data into memory space provided for overhead data, and further does not disclose then writing the overhead data in a block different from that of the user data.

Claim Rejections Under 35 U.S.C. §103

The basis for the rejection of claims 1-5 under 35 U.S.C. §103(a) as being unpatentable over International Patent Application No. WO 00/49488 to Sinclair et al. ("Sinclair") is believed not to apply to the new claims 27-31, for the same reasons as given in the immediately preceding paragraph.

Claims 2-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,434,658 B1 to Fukuzumi ("Fukuzumi") in view of U.S. Patent No. 5,603,001 to Sukegawa et al. ("Sukegawa"). For the reasons given above, new claim 27 is believed novel over Fukuzumi and nothing is found in Sukegawa that suggests this difference in the claim.

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,434,658 B1 to Fukuzumi ("Fukuzumi") in view of U.S. Patent No. 6,356,486 B1 to Banks ("Banks"). Similarly, the Banks patent does not suggest the novelty over Fukuzumi that is described above to exist in the single independent claim 27.

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,603,001 to Sukegawa et al. ("Sukegawa") in view of U.S. Patent No. 5,946,714 to Miyauchi ("Miyauchi"). Here also, the novelty of the new claims over Sukegawa described above does not appear to be suggested by Miyauchi, so an obviousness rejection of the new claims does not lie.

Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,603,001 to Sukegawa et al. ("Sukegawa") in view of U.S. Patent No. 6,356,486 B1 to Banks ("Banks"). Similarly, the new claims 27-31 are shown above to be novel over Sukegawa, and the novel difference is not seen to be suggested by Banks.

Therefore, for these reasons, it is submitted that the new claims 27-31 are novel and non-obvious over the cited references.

Information Disclosure Statements

Also being filed herewith is a Supplemental Information Disclosure Statement that lists the 8 foreign patent documents stricken by the Examiner from a previously submitted Information Disclosure Statement. It is believed that copies of these foreign patent documents were filed with the prior Statement but, in any case, it is being made sure that they are being filed herewith. If the Examiner does not receive these copies, he is requested to contact the undersigned and we will take steps to hand deliver copies to him.

In addition, the Supplemental Information Disclosure Statement lists the two U.S. patents that are parents to the present application.

It is respectfully requested that this Supplemental Information Disclosure Statement be considered and the PTO Form 1449 be initialed and returned with the next Action.

Conclusion

Accordingly, it is believed that this application is now in condition for allowance and an early indication of its allowance is solicited. However, if the Examiner has any further matters that need to be resolved, a telephone call to the undersigned attorney at 415-318-1163 would be appreciated.

FILED VIA EFS

Respectfully submitted,



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Date

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